



U.S. Citizenship
and Immigration
Services

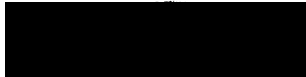
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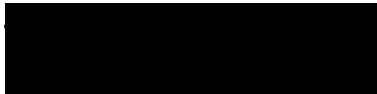


Office: VERMONT SERVICE CENTER

Date: SEP 07 2005

IN RE:

Petitioner:
Beneficiary:



PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Maui Johnson

sn Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner seeks employment as a research scientist at Brown University. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner has not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

On the Form I-290B Notice of Appeal, filed on February 2, 2005, counsel indicated that a brief would be forthcoming within thirty days. To date, over six months later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision. On August 16, 2005, the AAO contacted counsel, in order to give counsel an opportunity to re-submit any prior brief that may have been misplaced. The AAO allowed the petitioner five business days to respond. To date, there has been no response.

The statement on the appeal form reads simply:

- a. The Service used an incorrect standard of proof to judge the application.
- b. The Service either ignored or improperly disregarded the evidence.
- c. The Service did not follow AAO instructions clearly on point.

These are general statements that make no specific allegation of error. Counsel does not, for example, identify the “incorrect standard of proof” or explain why it is incorrect, nor does counsel specify the “AAO instructions” that the director purportedly failed to follow. The bare assertion that the director somehow erred in rendering the decision is not sufficient basis for a substantive appeal.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.